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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,147	09/19/2003	Wolfgang Brixius	BRIXIUS-3	8723
20151	7590	11/04/2005	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			FERGUSON, MICHAEL P	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/667,147

Applicant(s)

BRIXIUS ET AL.

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiff (US 6,217,248) in view of Malish et al. (US 5,645,365).

As to claim 1, Reiff discloses apparatus capable of detachable securement of a motor to an attachment member of a conveyor, comprising:

fastening means **12,18** capable of securing an output side of a motor **118,120** to the attachment member, the fastening means including a pair of connector elements **12,18**, with one connector element **12** fastened to an end surface of the motor and the other connector element **18** fastened to the attachment member **24**, the connector elements configured to define a bayonet coupling for detachable interconnection thereof and having aligned through bores capable of passage of a motor shaft of a motor, when the connector elements adjoin one another in a receiving position and are secured to one another in an end position via the bayonet coupling, as the connector elements are turned and/or shifted relative to one another, wherein the bayonet coupling includes a bayonet element **10** projecting out of one of the connector elements for reception in an opening **20** of the other one of the connector elements, the bayonet coupling being constructed with an inclined surface **20** to effect a movement of the connector elements

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toward one another in axial direction as the connector elements are turned relative to one another; and

securing means **28** for safeguarding the connector elements against detachment, when the connector elements are secured to one another;

wherein the bayonet element includes a stem portion, which is disposed in parallel relationship to the motor shaft and has a free end, and a head portion **13**, which is disposed on the free end of the stem portion and has a cross section which extends beyond the stem portion in transverse direction (Figures 1 and 6).

Reiff fails to disclose an apparatus wherein the head portion has an underside in confronting relationship to the stem portion, the underside being slanted in direction of turning to define the inclined surface of the bayonet coupling.

Malish et al. teach an apparatus wherein a head portion of a bayonet element **28** has an underside **30** slanted (rounded corners **25** defining a slanted portion of underside **30**) in direction of turning to define an inclined surface of the bayonet coupling; the slanted underside providing for easier insertion and rotation of the bayonet element within an opening (Figures 1-4). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an apparatus as disclosed by Reiff to have a head portion having a slanted underside as taught by Malish et al. in order to provide for easier insertion and rotation of the bayonet element within an opening.

As to claim 2, Reiff discloses an apparatus wherein the one of the connector elements **12** has a plurality of the bayonet element **10**, and the other one of the

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connector elements **18** has a plurality of the opening **20**, whereby the plurality of bayonet elements and the plurality of openings are placed in one-to-one correspondence, wherein the bayonet elements of the one connector element engage behind the openings of the other connector element (Figure 1).

As to claim 5, Reiff discloses an apparatus wherein the other connector element **18** has a head-proximal side which is slanted to define the inclined surface **20** of the bayonet coupling to enable the connector elements to move toward one another in axial direction as the connector elements are turned and/or shifted relative to one another (Figure 1).

As to claim 11, Reiff discloses an apparatus wherein the head portion **13** has a diameter which exceeds a diameter of the stem portion (Figure 1).

As to claim 12, Reiff discloses an apparatus wherein the other connector element **18** is formed with an engagement zone **20** in an area adjacent to the opening, the engagement zone having a ridge extending in circumferential direction and cooperating with the bayonet element **10** (Figure 1).

As to claim 13, Reiff discloses an apparatus wherein the ridge **20** has a tapered configuration in the direction of the opening to define the inclined surface **20** of the bayonet coupling (Figure 1).

***Allowable Subject Matter***

3. Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 6, Reiff discloses the claimed apparatus with the exception of wherein the securing means includes a first flange connected to an outer circumference of one connector element, a second flange connected to an outer circumference of the other connector element, and a securing element for coupling the first and second flanges, when the connector elements assume the end position, to thereby restrain the connector elements against rotation and/or displacement.

There is no teaching or suggestion, absent the applicants' own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the apparatus as claimed by Reiff to have the above mentioned elemental features.

#### ***Response to Arguments***

5. Applicant's arguments filed August 31, 2005 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that Malish et al. do not teach an apparatus wherein the head portion has an underside in confronting relationship to the stem portion, the underside being *slanted in a direction of turning to define the inclined surface of the bayonet coupling*.

Examiner disagrees. As to claim 1, Malish et al. teach an apparatus wherein a head portion of a bayonet element **28** has an underside **30** slanted (rounded corners **25** defining a slanted portion of underside **30**) in a direction of turning to define an inclined surface of the bayonet coupling; the slanted underside providing for easier insertion and

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rotation of the bayonet element within an opening (Figures 1-4). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an apparatus as disclosed by Reiff to have a head portion having a slanted underside as taught by Malish et al. in order to provide for easier insertion and rotation of the bayonet element within an opening.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MPF  
10/27/05



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